

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

CAREY BERNARD CALDWELL, a/k/a	§	
BERNARD TALIB DIN HASAN,	§	
	§	
v.	§	C.A. NO. C-04-672
	§	
DOUGLAS DRETKE.	§	

ORDER DENYING MOTION FOR COPIES OF PLEADINGS

This is a petition for a writ of habeas corpus filed pursuant to 28 U.S.C.

§ 2254. Pending is petitioner's letter-motions for free copies of various documents from this action. (D.E. 40, 41).

On December 20, 2004, petitioner filed a writ of habeas corpus. (D.E. 1). On October 31, 2005, the Court dismissed his petition, (D.E. 27), and entered final judgment. (D.E. 28).

Petitioner indicated that he seeks the copies in order to file a letter-motion with the Fifth Circuit pursuant to 28 U.S.C. § 2244(b)(3). (D.E. 40). Upon receipt of this letter-motion, the Clerk sent petitioner a copy of the docket sheet and sheet indicating the costs for copies. (D.E. 41).

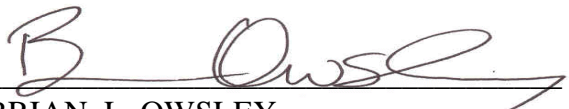
Petitioner returned the docket sheet indicating he would like copies of the petition, a memorandum and recommendation dated August 15, 2005 recommending that his petition be dismissed, an order dated October 31, 2005 adopting the memorandum and recommendation, the final judgment, a memorandum and recommendation dated April 25, 2006 recommending that his motion for a certificate of appealability be denied, petitioner's motion for voluntary dismissal of his request for a certificate of appealability, an order dated May 25, 2006 adopting the memorandum and recommendation regarding the certificate of appealability, and judgment issued by the Fifth Circuit dated October 30, 2006. With the exception of the petition and the motion he filed, all of these documents were sent to him in conjunction with his case. Thus, he has already received copies of

those documents. Moreover, the other two documents are ones that he has filed with the Court and thus should have copies.

The Fifth Circuit has long established that inmates are not entitled to court records at the Government's expense. See Harless v. United States, 329 F.2d 397, 398-99 (5th Cir. 1964) (per curiam) ("The statutory right to proceed in forma pauperis does not include the right to obtain copies of court order, ... without payment therefore, for use in proposed or prospective litigation."); accord Bennett v. United States, 437 F.2d 1210, 1211 (5th Cir. 1971) (per curiam). Petitioner seeks copies of documents that he either created or were already provided to him in order to prepare prospective litigation.

Petitioner's letter-motions for free copies of various documents from this action, (D.E. 40, 41), are hereby DENIED.

ORDERED this 3rd day of December 2007.


BRIAN L. OWSLEY
UNITED STATES MAGISTRATE JUDGE